



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 301-00

16 March 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 14 March 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 2 October 1992. On 13 May 1994 the Bureau of Naval Personnel (BUPERS) directed your transfer to the Temporary Disability Retired List (TDRL) with a disability rated at 60%. BUPERS directed the assignment of a Separation Program Designator (SPD) code of SFK and an RE-2 or RE-4 reenlistment code. You were transferred to the TDRL on 6 June 1994 with an RE-2 reenlistment code. In October 1998 you were found physically fit to return to active duty from the TDRL. A 10 December 1968 message, informing all concerned of this change in your status, states that you could be considered for reenlistment. There is no evidence that you ever reenlisted.

In your application, you are requesting a change in the reason for separation and reenlistment code assigned on 6 June 1994 when you were transferred to the TDRL. The reason for this request is not stated in your application but it was assumed that you are having difficulty reenlisting.

There is no evidence in the record, and you have submitted none, to show that either the reason for separation or reenlistment code was in error when assigned on 6 June 1994. The Board was

aware that an SPD code of SFK means that you were retired due to a temporary disability. Further, regulations require the assignment of an RE-2 reenlistment code when an individual is retired. Since the record accurately reflects the reason for your retirement, and you have been treated no differently than others transferred to the TDRL, the Board could not find an error or injustice in your case.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director